

Senate Joint Resolution No. 31

Adopted in Senate June 1, 2006

Secretary of the Senate

Adopted in Assembly August 10, 2006

Chief Clerk of the Assembly

This resolution was received by the Secretary of State this
_____ day of _____, 2006, at _____
o'clock ____M.

Deputy Secretary of State

RESOLUTION CHAPTER _____

Senate Joint Resolution No. 31—Relative to clean ports.

LEGISLATIVE COUNSEL'S DIGEST

SJR 31, Lowenthal. Clean ports.

This measure would memorialize the Administrator of the United States Environmental Protection Agency, urging the administrator to adopt federal regulations limiting emissions from marine vessels, locomotives, and aircraft in order to achieve healthful air quality in California and other areas with air quality problems and to encourage the United States Environmental Protection Agency to pursue more protective regulations and incentive programs to reduce substantially the emissions from these sources, as provided.

WHEREAS, California is a global gateway for trade, with more than 40 percent of all of the goods imported to the United States entering through California's ports; and

WHEREAS, Growth in the movement of goods through California's ports is projected to double or triple over the next 25 years; and

WHEREAS, Toxic diesel air pollution from goods movement sources, such as marine vessels and locomotives, will increase in the face of this growth unless more protective control actions are undertaken; and

WHEREAS, The International Maritime Organization (IMO), an agency of the United Nations, has established initial smog-forming NO_x emissions limitations and fuel sulfur specifications for oceangoing vessels, and the United States Environmental Protection Agency (EPA) has adopted emission standards for new locomotives, new trucks, and some vessels; and

WHEREAS, Current international and federal standards governing air pollution from port-related sources are not sufficient to support attainment of federal health-based air quality standards in areas with growing emissions from port-related sources; and

WHEREAS, Rules adopted by the EPA and the IMO have not adequately reduced emissions from sources associated with the ports; and

WHEREAS, The EPA has not regulated emissions from foreign flag vessels. The vast majority of oceangoing vessels calling on local ports, over 90 percent, are foreign flagged; and

WHEREAS, The EPA stated that it will consider adopting emission standards for foreign flag vessels in 2007; and

WHEREAS, The IMO emissions and fuel standards for foreign flag vessels are particularly weak. IMO smog-forming NO_x standards for new “Category 3” vessels will achieve only a 6-percent reduction in emissions. IMO fuel rules allow extraordinarily high levels of sulfur content; and

WHEREAS, Federal emission standards for locomotives are relatively lenient. Even the newest locomotives must only achieve a 57-percent reduction in NO_x emissions. In contrast, most onroad and stationary sources are controlled to over 90 percent. EPA has stated it intends to adopt more stringent locomotive emission standards in 2006; and

WHEREAS, Port-related sources emit substantial and growing quantities of smog-forming nitrogen oxides and other air contaminants; and

WHEREAS, Locomotives and marine vessels emit diesel exhaust, a toxic air contaminant; and

WHEREAS, Diesel emissions are responsible for 70 percent of the cancer risk from air toxics emissions in California; and

WHEREAS, The EPA has stated that diesel exhaust is likely to be carcinogenic for humans; and

WHEREAS, Part or all of 474 counties in 32 states are classified nonattainment for either failing to meet the new eight-hour federal ozone standard or for causing a downwind county to fail to meet that standard; and

WHEREAS, One hundred fifty-nine million people nationwide live in areas that do not meet the new eight-hour federal ozone standard; and

WHEREAS, All areas of the country could benefit from the reduction in emissions of toxic air contaminants from locomotives, and many areas would benefit from reduction in those emissions from marine vessels; and

WHEREAS, Emissions from mobile sources, including locomotives, marine vessels, and aircraft, are preventing California from achieving state and federal clean air standards; and

WHEREAS, The EPA has authority to adopt regulations establishing emissions standards for marine vessels, locomotives, and aircraft; and

WHEREAS, Federal law mandates that the state adopt rules to attain national ambient air quality standards, but limits state and local authority to adopt certain regulations establishing emissions standards for aircraft, new locomotives, and new locomotive engines; and

WHEREAS, Federal regulations define new locomotives and new locomotive engines to include remanufactured locomotives and engines so as to restrict state authority to adopt some regulations establishing emissions standards for these older locomotives; and

WHEREAS, Locomotives have extremely long useful lives and older locomotives emit air contaminants at relatively high rates; and

WHEREAS, State and local governments seeking to control emissions from marine vessels have faced arguments by vessel operators that state and local governments lack authority to adopt laws establishing emission limits for foreign flag vessels; and

WHEREAS, Stringent regulations in California have reduced emissions by over 90 percent from most significant stationary sources and from motor vehicles and other mobile sources under the jurisdiction of state and local authorities in California, but locomotives, marine vessels, and aircraft have been controlled far less stringently by the federal government, and have not achieved their fair share of emission reductions needed to meet state and federal clean air standards; and

WHEREAS, Until locomotives, marine vessels, and aircraft are required to achieve their fair share of emission reductions, other mobile sources such as passenger cars, buses, and commercial trucks, as well as stationary sources, including large and small businesses in California will have to make up the difference; and

WHEREAS, The ports have developed ambitious programs and plans but, to date, they have not rolled back emissions or

even arrested emissions growth. Both the Port of Los Angeles and the Port of Long Beach have developed emission control programs and plans that will help mitigate air quality impacts, but the fact remains that the ports continue to be sources of singularly large and growing quantities of diesel emissions; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature respectfully memorializes the Administrator of the EPA urging the administrator to adopt federal regulations limiting emissions from marine vessels, locomotives, and aircraft in order to achieve healthful air quality in California and other areas with air quality problems; and be it further

Resolved, That those federal regulations mandate use and improvement of state-of-the-art emission control and prevention technologies at the earliest feasible date, be comparably stringent to state and local air pollution control requirements so that operators of locomotives, marine vessels, and aircraft contribute their fair share to support air quality attainment plans, and implement Congress' intent that state and local air quality authorities be allowed to adopt rules establishing emissions standards for remanufactured locomotives; and be it further

Resolved, That the Legislature respectfully encourages the EPA to pursue more protective regulations and incentive programs to reduce substantially the emissions from marine vessels, including domestic and foreign flagged vessels, locomotives, and aircraft, with the level of emissions sufficiently reduced to help regions polluted by trade-related diesel emissions attain federal health-based standards by the dates required by the Clean Air Act, federal regulations, and corresponding state implementation plans; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the United States Environmental Protection Agency, to the United States Coast Guard, and to the author for appropriate distribution.

Attest:

Secretary of State